

ORDINANCE NO. 20070503-059

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3800-4004 BLOCK OF BEN GARZA LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT, DEVELOPMENT RESERVE (DR) DISTRICT, AND MULTIFAMILY RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY (MF-2-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district, development reserve (DR) district, and multifamily residence low density-conditional overlay (MF-2-CO) combining district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No C14-06-0199, on file at the Neighborhood Planning and Zoning Department, as follows

Lot 1, Block E, Garza Ranch Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 90, Page 6, of the Plat Records of Travis County, Texas, and

A 5 40 acre tract of land, more or less, out of the Thomas Anderson League, Survey No 17, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

A 3 07 acre tract of land, more or less, out of the Thomas Anderson League, Survey No 17, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 3800-4004 Ben Garza Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C"

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions

A The following uses are prohibited uses of the Property

Automotive rentals

Automotive sales

Exterminating services

Pawn shop services

Automotive repair services

Automotive washing (of any type)

Funeral services

Service station

B A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day

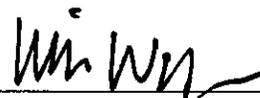
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code

PART 3. This ordinance takes effect on May 14, 2007

PASSED AND APPROVED

May 3, 2007

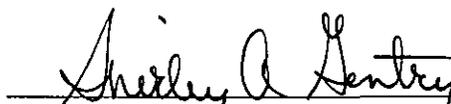
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§
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Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:


Shirley A Gentry
City Clerk

C 114-06-0199

DESCRIPTION

DESCRIPTION OF 5 40 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE, SURVEY NO 17 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO ELI JAMES GARZA OF RECORD IN DOCUMENT NO 2004018557, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5 40 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Document No 2004018557, of the Official Public Records of Travis County, Texas

BEGINNING at a point for the northeast corner of Lot 2, Block E, Garza Ranch Subdivision of record in Volume 90, Page 4 of the Plat Records of Travis County, Texas, in a south line of that certain tract of land described in deed to the City of Austin in Volume 12593, Page 3440 of the Real Property Records of Travis County, Texas, for the northwest corner and POINT OF BEGINNING of the herein described tract,

THENCE with a south line of said City of Austin tract, and the north line of the herein described tract, S59°24'E a distance of 892 69 feet to a point for the southeast corner of said City of Austin tract, the southwest corner of that certain tract of land described in deed to Harold G Kennedy and Wife, B Joy Kennedy in Volume 4026, Page 1507 of the Deed Records of Travis County, Texas, and the northwest corner of that certain tract of land described in deed to Ben Garza in Volume 460, Page 564 of the Deed Records of Travis County, Texas, for the northeast corner of the herein described tract,

THENCE with the west line of said Ben Garza tract, and the east line of the herein described tract, S13°23'W a distance of 251 02 feet to a point for the northeast corner of certain tract of land said to contain 3 07 acres of land described in deed to Eli Garza in Volume 6512, Page 1843 of the Deed Records of Travis County, Texas, for the southeast corner of the herein described tract,

THENCE with the north line of said 3 07 acre tract, and the south line of the herein described tract, N60°58'W a distance of 964 54 feet to a point in the north line of Lot 1, Block E, Garza Ranch Subdivision of record in Volume 90, Page 4 of the Plat Records of Travis County, Texas, and the southeast corner of said Lot 2, Block E, for the southwest corner of the herein described tract,

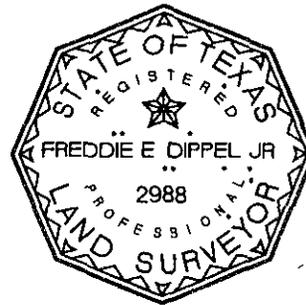
THENCE with the east line of Lot 2, Block E, and the west line of the herein described tract, N30°E a distance of 266 25 feet to the POINT OF BEGINNING, containing 5 40 acres of land, more or less, within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

This Document was prepared under 22 TAC §663 21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN, INC


Freddie E Dippel, Jr
Registered Professional Land Surveyor No 2988
Date 10-2-06



SKETCH TO ACCOMPANY DESCRIPTION

5.40 ACRE TRACT
SHEET 1 OF 1

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED

LEGEND

- P R T C PLAT RECORDS TRAVIS COUNTY
- D R T C DEED RECORDS OF TRAVIS COUNTY
- R P R T C REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O P R T C OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P O B POINT OF BEGINNING
- RECORD INFORMATION

SCALE 1" = 100

THOMAS ANDERSON LEAGUE SURVEY NO. 17

CITY OF AUSTIN
VOL. 11538
PG. 1171
R.P.R.T.C.

GARZA RANCH
LOT 2, BLOCK E
VOL. 90 PG. 4
P.R.T.C.

P.O.B.

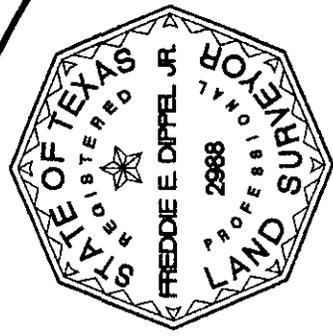
(N30° 26' 25")

(S59° 24' E 892.69')

CITY OF AUSTIN
VOL. 12593 PG. 3440
R.P.R.T.C.

ELI JAMES GARZA
(5.40 AC)
DOC. NO. 2004018557
O.P.R.T.C.

HAROLD G. KENNEDY
AND WIFE, B JOY KENNEDY
(6.61 AC)
VOL. 4026 PG. 1507
D.R.T.C.



SURVEYED BY *Freddie E. Dippel, Jr.*

FREDDIE E. DIPPEL, JR.
REG. PROF. LAND SURVEYOR
NO. 2988
DATE 10-2-06



Cunningham | Allen
Engineers • Surveyors

3103 Bee Cave Road, Suite 202
Austin, Texas 78746-6819
Tel (512) 327-2946
Fax (512) 327-2973

(S13° 23' W 251.02')
BEN GARZA
(REMAINDER OF 124.7 AC)
VOL. 460 PG. 564 D.R.T.C.

ELI JAMES GARZA
VOL. 3507 PG. 1636
VOL. 1788 PG. 395
D.R.T.C.

GARZA RANCH
LOT 1, BLOCK E
VOL. 90 PG. 4
P.R.T.C.

ELI GARZA
(3.07 AC)
VOL. 6512 PG. 1843
D.R.T.C.

DESCRIPTION

DESCRIPTION OF 3 07 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE, SURVEY NO 17 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO ELI GARZA OF RECORD IN VOLUME 6512, PAGE 1843 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 3 07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Volume 6512, Page 1843 of the Deed Records of Travis County, Texas

BEGINNING at a point for the southeast corner of that certain tract of land said to contain 5 40 acres described in deed to Eli James Garza of record in Document No 2004018557, of the Official Public Records of Travis County, Texas, in a west line of that certain tract of land said to contain 124 7 acres of land described in deed to Ben Garza of record in Volume 460, Page 564 of the Deed Records of Travis County, Texas, for the northeast corner and POINT OF BEGINNING of the herein described tract,

THENCE with a west line of said Ben Garza tract, and the east line of the herein described tract, S13°23'W a distance of 596 01 feet to an ell point in the north right-of-way line of Ben Garza Lane, (right-of way varies) of record in Volume 3513, Page 459 of the Deed Records of Travis County, Texas, for the southeast corner of the herein described tract,

THENCE with the north line of said Ben Garza Lane, and the south line of the herein described tract, N60°00'W a distance of 272 06 feet to a point for the southeast corner of Lot 1, Block E, Garza Ranch Subdivision of record in Volume 90, Page 4 of the Plat Records of Travis County, Texas, for the southwest corner of the herein described tract,

THENCE with the east line of said Lot 1, Block E, and the west line of the herein described tract, the following two (2) courses and distances

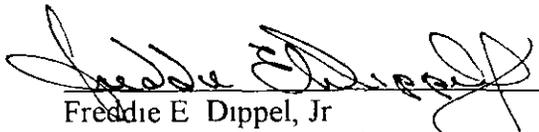
- 1 N19°41'W a distance of 382 00 feet to a point,
- 2 N26°31'W a distance of 192 58 feet to a point in the south line of said 5 40 acre tract, for the northeast corner of said Lot 1, Block E, and the northwest corner of the herein described tract,

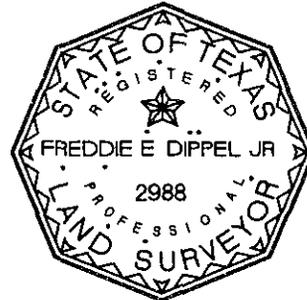
THENCE with the south line of said 5 40 acre tract, and the north line of the herein described tract, S60°58'E a distance of 181 96 feet to the POINT OF BEGINNING, containing 3 07 acres of land, more or less, within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

This Document was prepared under 22 TAC §663 21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN, INC


Freddie E Dippel, Jr
Registered Professional Land Surveyor No 2988
Date 10-2-06



SKETCH TO ACCOMPANY DESCRIPTION

3.07 ACRE TRACT
SHEET 1 OF 1

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ELI JAMES GARZA
(5.40 AC)
DOC NO 2004018557
O P R.T.C.

LEGEND

- P R T C PLAT RECORDS TRAVIS COUNTY
- D R T C DEED RECORDS OF TRAVIS COUNTY
- R P R T C REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O P R T C OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P O B POINT OF BEGINNING
- () RECORD INFORMATION

SCALE 1" = 100

ELI JAMES GARZA
VOL. 3507 PG. 1636
VOL. 1788 PG. 395
D R.T.C.

GARZA RANCH
LOT 1, BLOCK E
VOL. 90 PG. 4
P R.T.C.

ELI GARZA
(3.07 AC)
VOL. 6512 PG. 1843
D.R.T.C.

R.O.W DEDICATION PER PLAT
(0.2193 AC)
VOL. 90 PG. 4
P R.T.C.

BEN GARZA LANE (R.O.W VARIES)
THOMAS ANDERSON LEAGUE
SURVEY NO. 17

SURVEYED BY

FREDDIE E. DIPPEL, JR.
REG. PROF. LAND SURVEYOR
NO. 2988
DATE 10-2-06

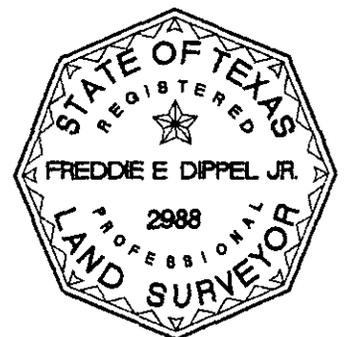
3103 Bee Cave Road, Suite 202

Austin, Texas 78746 6819

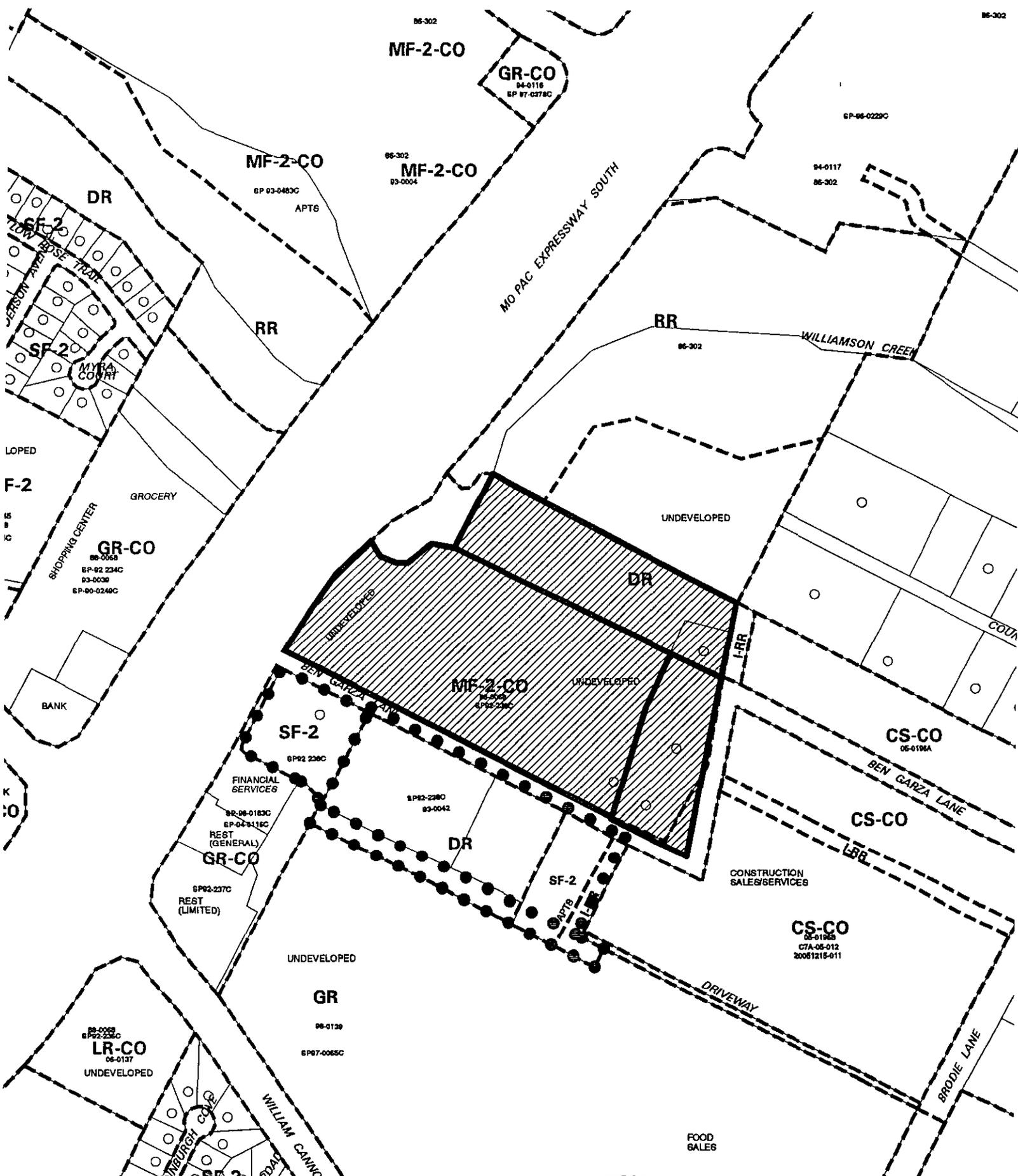
Tel (512) 327 2946

Fax (512) 327 2973

CA
Cunningham | Allen
Engineers • Surveyors



I:\3900101\Drawings\ZONING TRACT\dwg 9/28/2006 2:37:25 PM CDI



<p>1" = 400'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR W WALSH</p>	<p>ZONING EXHIBIT C</p>		<p>CITY GRID REFERENCE NUMBER</p> <p>E18</p>
	<p>CASE # C14-06-0199</p> <p>ADDRESS 3800-4004 BEN GARZA LN</p> <p>SUBJECT AREA (acres) 22.118</p>	<p>DATE 06-11</p> <p>INTLS SM</p>		